

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 34421

HOLRAIL LLC—CONSTRUCTION AND OPERATION EXEMPTION—IN ORANGEBURG  
AND DORCHESTER COUNTIES, S.C.

Docket No. FD 34421 (Sub-No. 1)

HOLRAIL LLC—PETITION FOR CROSSING AUTHORITY UNDER 49 U.S.C. 10901(d)

Decided: March 23, 2018

On November 13, 2003, HolRail, LLC (HolRail) filed a petition seeking an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 to construct and operate approximately two miles of rail line in Orangeburg and Dorchester Counties, S.C.<sup>1</sup> The proposed new line would extend from a connection with Norfolk Southern Railway Company (NSR) near Giant, S.C., to a cement production facility at Holly Hill, S.C., owned by HolRail's parent company, Holcim (US) Inc. (Holcim). HolRail stated that the purpose of the proposed construction was to provide a competitive alternative to rail service then provided by CSX Transportation, Inc. (CSXT). HolRail proposed two potential routes to construct its proposed rail line: Its preferred route would run parallel to CSXT's track and would be constructed, at least partially, within the CSXT right-of-way for most of its length; an alternate route would run parallel to CSXT's line but would be constructed approximately 50 yards outside CSXT's right-of-way on land owned by Holcim.

On February 11, 2004, the Board instituted a proceeding to consider HolRail's petition and the subsequent pleadings filed by the parties. In pursuit of its proposed preferred route, on September 9, 2005, HolRail submitted a petition for authority pursuant to 49 U.S.C. § 10901(d) to cross CSXT's right-of-way.

On February 12, 2007, the Board found that HolRail's proposed preferred route could not be deemed a permissible "crossing" within the meaning of the crossing statute and accordingly denied HolRail's request for authority to construct and operate that route as moot. See HolRail LLC—Constr. & Operation Exemption—in Orangeburg & Dorchester Ctys., S.C., FD 34421 et al., slip op. at 5 (STB served Feb. 12, 2007), aff'd sub nom. HolRail, LLC v. STB, 515 F.3d 1313 (D.C. Cir. 2008). The Board stated that it would consider only HolRail's request

---

<sup>1</sup> This decision includes only a brief summary of the relevant procedural history. For a more detailed discussion of the history of this case, see the Board's October 20, 2004 and February 12, 2007 decisions.

for authority to construct the alternate route, on the assumption that HolRail wished to pursue the alternate route, and that it would address the merits of that request upon completion of the required environmental review. Id. at 6-7.

Since the Board's last decision in this proceeding in 2007, HolRail has not taken further action to move forward with the necessary environmental review, evidently electing not to pursue the alternate route.<sup>2</sup> Accordingly, the proceeding will be closed.

It is ordered:

1. This proceeding is closed.
2. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

---

<sup>2</sup> On April 10, 2007, HolRail submitted a letter requesting environmental review of the alternate route. Subsequently, HolRail requested the suspension of the environmental review process.